

## REMARKS

Applicant respectfully requests reconsideration of the instant application in view of the following remarks:

The following claims are *pending*: 1-21.

The following claims are *independent*: 1, 10, 13, 20 and 21.

Applicant submits that the originally filed claims are patentable and reserves the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation/divisional application(s). Applicant submits that no new matter has been added by way of these amendments.

### Restriction/Election Requirement

The Restriction/Election Requirement states that restriction to one of the following inventions is required under 35 U.S.C. § 121:

**Group I.** Claims 1-9 and 20, drawn to sales management illustrates where customer impression data, confidence indicators, transaction specific data and historical dealings re analyzed to determine predictive customer data;

**Group II.** Claims 10-12, drawn to predictive sales management enables access to a predictive sales data research module, a customer data aggregation module, a salesperson performance module, a predictive customer data module, and a sales forecasting module to analyze impression data, sales person performance parameters, derive predictive customer sales data, and determine sales forecasts;

**Group III.** Claims 13-19 and 21, drawn to predictive sales management illustrates where predictive data based on customer characteristics is utilized to develop and implement customer needs management strategy based upon data derived from phases of purchase process analysis. (Restriction/Election Requirement, pp. 2-3, §4).

### **Applicant's Election**

Applicant respectfully traverses the Restriction/Election Requirement and submits that there is no undue burden for the Examiner to conduct a substantive search of the claims corresponding to Groups I - III. The MPEP prescribes that “[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.” (MPEP § 803; emphasis added). Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Restriction/Election Requirement.

However, should the Examiner maintain the Restriction/Election Requirement, Applicant provisionally elects claims corresponding to Group I (claims 1-9 and 20) for substantive examination.

Further, Applicant reserves the right to pursue the non-elected claims and/or subject matter in one or more continuation/divisional applications at a later time. Entry of this election/restriction and an early favorable action on the merits are respectfully requested.

### **Authorization**

Applicant hereby authorizes and requests that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit Account No. 03-1240, Order No. 18104-002US1. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicant requests that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicant hereby authorizes and requests that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 18104-002US1.

In the event that a telephone conference would facilitate examination of the application in any way, Applicant invites the Examiner to contact the undersigned at the number provided.

Respectfully submitted,  
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